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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION  
MAY 21 P 2:36

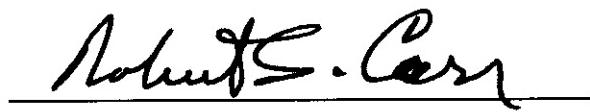
THE MCMILLAN FAMILY TRUST,	)	
MARTHA M. MCMILLAN	)	C.A. No: 4:06-3524-TLW-RSC
	)	
	)	
-versus-	)	<b><u>AMENDED</u></b>
	)	<b><u>REPORT AND RECOMMENDATION</u></b>
	)	
I JL WACHOVIA a division of	)	
WACHOVIA SECURITIES, LLC.	)	
f/k/a WACHOVIA SECURITIES,	)	
INC.	)	
and	)	
ROSS L. GORDON	)	

This case was filed on December 13, 2006, in the United States District Court for the District of South Carolina, Florence Division. The defendants have never been served.<sup>1</sup> On May 7, 2008, a status conference was held before the undersigned with the plaintiff, Martha McMillan, and her attorney, Randall L. Hartman, both appearing by phone. During the status conference both the plaintiff and her attorney agreed that the action should be dismissed and submitted to arbitration. The plaintiff has now moved to dismiss without prejudice in accord with Rule 41 of the Federal Rules of Civil Procedure.

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<sup>1</sup> Summons was issued on December 13, 2006. An order of the court directing service within 20 days was issued on February 8, 2008. To date no affidavit of service has been filed.

Therefore, it is recommended that this action be dismissed without prejudice.

  
Robert S. Carr  
ROBERT S. CARR  
UNITED STATES MAGISTRATE JUDGE

Charleston, South Carolina

May 21, 2008